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BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
DOCKET SECTION
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International Air Transport)
Association: Agreement Relating)
to Liability Limitations of the)
Warsaw Convention)

Docket OST-95-232 - 16
(49152)

ANSWER OF JAPAN AIRLINES
TO IATA REQUEST FOR EXTENSION OF DISCUSSION AUTHORITY

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Company, Ltd.

January 11, 1996

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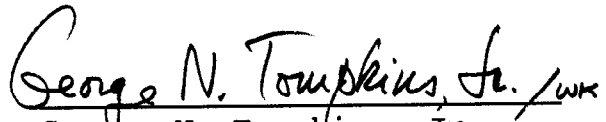
**ANSWER OF JAPAN AIRLINES
TO IATA REQUEST FOR EXTENSION OF DISCUSSION AUTHORITY**

Japan Airlines Company, Ltd. ("JAL") hereby answers the Request for Extension of Discussion Authority with Antitrust Immunity, Modification of Conditions and Shortened Answer Period filed by the International Air Transport Association ("IATA") on December 22, 1995. The Department's January 3, 1996 order shortened the answer period and required answers to be filed by January 9, 1996. Since the federal government was officially closed on January 9 and 10 due to weather conditions, the filing of JAL's answer on January 11, 1996 is timely.

JAL supports IATA's December 22, 1995 requests. JAL's full position in this matter is set forth in the attached letter from Mr. Koichi Abe, Vice President of the Legal Affairs Department.

WHEREFORE, JAL urges the Department to grant the IATA requests.

Respectfully submitted,

Handwritten signature of George N. Tompkins, Jr. in cursive script, followed by a small mark that appears to be "WR".

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January 11, 1996



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Hon. Mark L. Gerchick
Acting Assistant Secretary
for Aviation and International Affairs
Department of Transportation
Washington, D.C. 20950

Donald H. Horn, Esq.
Assistant General Counsel
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Washington, D.C. 20950

Re : International Air Transport Association:
Agreement Relating to Liability Limitations
of the Warsaw Convention
Docket 49152

Gentlemen:

Japan Airlines respectfully urges the DOT to grant the Request for Extension of Discussion Immunity granted by Order 95-7-15, as requested by the International Air Transport Association (IATA) on December 22, 1995.

Pursuant to and in accordance with the terms of Order 95-2-44, as extended and modified by Order 95-7-15, IATA has made substantial substantive progress towards the modernization of the Warsaw Convention system of liability through intercarrier agreement. The efforts of IATA culminated in the unanimous adoption by IATA members, at the annual general meeting of IATA in Kuala Lumpur on October 30, 1995, of the IATA Intercarrier Agreement, whereby signatory carriers agree to take action to waive the Convention limitation of liability for passenger injury or death.

By Order 95-7-15, the Department of Transportation extended the discussion immunity conferred upon IATA members by Order 95-2-44, so that IATA could continue and complete the work of the IATA Airline Liability Conference (ALC) of June, 1995. Substantial further progress was made by IATA to this purpose through December 31, 1995, when the extended period of

Hon. Mark L. Gerchick
Donald H. Horn, Esq.
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immunity pursuant to Order 95-7-15 expired. IATA has requested a further extension of Order 95-7-15 to April 1, 1996, so that the work of the June 1995 ALC can be completed.

Japan Airlines urges the Department of Transportation to grant this specific request of IATA. While we understand that the Department of Transportation has granted separate discussion immunity to the Air Transport Association (ATA) by Order 95-12-14, apparently to allow ATA members alone to discuss with immunity the implementation by ATA members of the IATA Inter-carrier Agreement, and in the same Order 95-12-14, granted IATA further discussion immunity (although not sought at the time) commensurate with the ATA discussion immunity conferred, Japan Airlines respectfully submits that the further work of IATA, pursuant to Orders 95-2-44 and 95-7-15, should be continued under the sole auspices of IATA, as requested by IATA in the request filed on December 22, 1995. Therefore, the requested extension of Order 95-7-15 should be granted immediately to enable IATA to continue and conclude the means of implementation of the IATA Inter-carrier Agreement by all IATA members, rather than by a purely regional association such as ATA. Japan Airlines fully appreciates that full implementation of the IATA Inter-carrier Agreement on a worldwide basis must of necessity involve the concerns and interests of local governments and regional associations such as ATA, OAA, AEA, AITAL, IACA, AFRAA and others. However, unless and until IATA has completed its task of securing a universal basis for implementation of the substantive principles of the IATA Inter-carrier Agreement, the opportunity for a uniform approach to implementation may be lost.

We trust and urge the Department of Transportation to grant the IATA request.

Respectfully,

Japan Airlines

By: Koichi Abe

Koichi Abe

V.P. Legal Affairs Department

cc: See list attached

CERTIFICATE OF SERVICE

I, William Karas, hereby certify that on this date the foregoing pleading of Japan Airlines Company, Ltd. was served, via first-class mail postage prepaid and via facsimile transmission, on the persons appearing on the attached service list.


William Karas

January 11, 1996

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